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China, People's Republic of

Food and Agricultural Import Regulations and Standards

China FAIRS Report Working Index

2002

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Report Highlights:

This report is the *China Food and Agricultural Import Regulations and Standards Working Index*. It is an index of all the food and food import regulations that have been translated by the Agricultural Affairs Office of the US Embassy in Beijing. All translations are UNOFFICIAL.

Includes PSD changes: No
Includes Trade Matrix: No
Annual Report
Beijing [CH1], CH

People's Republic of China

Food & Agriculture Import Regulations & Standards (FAIRS)

Report Working Index

This report is the *China Food and Agricultural Import Regulations and Standards (FAIRS) Working Index*. It is a working index of all regulations and standards pertaining to food and food imports that have been translated by the Agricultural Affairs Office of the U.S. Embassy in Beijing.

Each regulation and standard is now contained in a separate report on the GAIN system. These reports can be accessed on the Foreign Agricultural Service web site at "www.fas.usda.gov" under the Attache Reports section. Readers can search for reports of interest by name or document number (CHXXXX).

This working index will be updated when new regulations and standards are issued by the People's Republic of China and when existing regulations and standards are amended. Please check the FAS web site periodically for the most current index.

Please note that these translations are UNOFFICIAL and should be used as guidelines only. Exporters are advised to thoroughly discuss all regulatory and implementation details with their PRC customers, and to keep in mind that the Chinese regulatory system is not always predictable. Many regulations are short on detail, and interpretations can differ from port to port.

The date next to the report is the publication date of the Chinese version that has been translated. The Import Procedures and Appendix sections refer to reports produced by USDA offices in China.

For answers to specific questions, U.S. exporters are encouraged to contact any of the FAS offices in China, or the Foreign Agricultural Service in Washington, DC:

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I Food Laws

******* RECENT ADDITION TO THE FAIRS REPORT WORKING INDEX *******

- *Administrative Measures for GM Food Hygiene* - CH2031 - Translated version: July 1, 2002

This measure requires foods, food ingredients, and food raw materials that are derived from genetic engineering to receive a review and approval from the Ministry of Health prior to importation or domestic production. However, the Ministry of Health has issued a public notice declaring that it will begin accepting applications after December 21, 2002.

- *Food Hygiene Law* - CH1042 - Translated version: October 30, 1995

This law governs hygiene for all food, food additives, food containers, packaging materials, instruments, equipment, detergents and disinfectants, as well as food production and marketing operations, locations, and facilities. The Public Health Administration of the State Council is the statutory authority responsible for this law.

In addition, these measures establish an application system for the use of GM food and food ingredients in food manufacturing or processing along with an evaluation system for GM food quality and safety. The measures require GM foods and foods made from GM materials to be labeled. Finally, the measures introduce a monitoring system for processors or manufacturers of foods using genetically engineered ingredients or raw materials. The Ministry of Health has not issued the "Implementation Measures for Genetically Modified Food Hygiene" nor the "GM Food Catalogue."

II Labeling Requirements

- *Food Labeling Standard* - CH1043 - Translated version: February 4, 1994

This Standard governs food labeling for all food related items for sale in China's domestic market. Labels must be in Chinese and indicate the name brand of the food, ingredients and other contents, shelf life, manufacturer or distributor, quality, and industry standards. These articles specify that labels for imported foods must indicate the country of origin and the name and address of the Chinese distributor. This standard adopts 1991 CODEX STAN 1.

- *Import-Export Food Labeling Management Regulation* - CH1044 - Translated version: February 15, 2000

This Regulation applies to the labels of all imported or exported foods. It provides for more stringent verification and inspection for the enforcement of import and export food product labeling. Also, the regulation streamlines previous requirements and provides for greater control over false, counterfeit, or poor quality products. China's national State Administration for Entry-Exit Inspection and Quarantine (formerly CIQ) has undergone a merger to become the State Administration for Quality Supervision, Inspection, and Quarantine (AQSIQ). Customs Inspection and Quality offices (CIQ) at the provincial levels have not completed the merger. National AQSIQ and provincial CIQ offices have statutory authority over the inspection of import or export food labels.

- *Special Nutritional Food Labeling Standard* - CH1045 - Translated version: April 8, 1992

This standard refers to and adopts (CAC) CODEX STAN 146-1985 "Standard For the Labeling and Notation of Pre-packaged Special Purpose Foods" announced by the FAO/WHO Food Law Committee. This Standard governs all labeling requirements for foods and materials that are for domestic sale and directed at specific consumers; for example, infants, elderly, etc. This standard is proposed by China National Food Industry Standardization Technology Committee. This committee is formed by several ministries and responsible to the State Council.

- *Ag GMO Labeling* - Refer to GAIN Report CH2002 for the Agricultural Genetically Modified Organisms Implementation Measures regarding labeling for genetically engineered items.

III Food Additive Regulations

- *Food Additive Hygiene Standard* - CH1046 - Translated version: December 29, 1996

This Standard identifies food additives that are permitted for use. The standard governs the use, extent, and dosage of existing categories of food additives used in China. Food additives not mentioned in this standard and food additives not approved for extension to foods may still be subject to regulation and registration. The Ministry of Health is the regulatory body with statutory authority over food additives.

- *Administration Measures for Food Additive Hygiene* - CH2024 - Translated version: March 28, 2002

The amended *Administrative Measures for Food Additive Hygiene* was approved by MOH executive committee on December 11, 2001 and signed by MOH Minister Zhang WenKang on March 28, 2002. These measures

shall take effect on July 1, 2002 and previous Measures shall be annulled. These measures explain the application procedures for the production, or new use, of food additives. The measures also indicate the application procedures to request a change in the scope or dosage of food additives. The measures address production, marketing, and use of food additives, along with labeling and monitoring requirements. The means for punishing food additive producers, marketers, and users who are not in compliance with food additive regulations are indicated in Chapter Six of these measures

IV Pesticide and Other Contaminants

- *Pesticide and Other Contaminant Residue Limits* - CH1047 - Translated version: 1999

These limits, specified by the Ministry of Health, identify pesticide limits that are permitted for use on commodities. Pesticide residue limits that are not specified may be specified in contracts between food or food material buyers and sellers. This list contains the 94 published maximum residue limits. An internal Chinese government memorandum lists a total of 126 pesticide maximum residue limits. This list is not yet published. The 32 remaining pesticides, although not published, are still subject to enforcement. The internal memorandum also provides more specific commodity distinctions.

V Other Regulations and Requirements

***** RECENT ADDITION TO THE FAIRS REPORT WORKING INDEX *****

- *Regulation on Animal Origin Feed Products* - CH2035 - Translated version: March 1, 2001

This is joint announcement (No. 144) by the Ministry of Agriculture and the State Administration for Quality Supervision, Inspection, and Quarantine for the regulation of animal origin imported feed products. This announcement prohibits imports of animal origin feed products from countries or areas known to have BSE or Scrapie. In addition, this announcement requires certain language to be attached to the exporting country sanitary certificate.

- *Agriculture Law* - CH1048 - Translated version: July 2, 1993

This law is the general framework for all of China's agricultural related laws. The State Council is now considering amendment and revision to this law. Post is not aware of any specific changes that are being considered, however, any future amendments to this law will be general in scope, as well.

- *Law on Import and Export Commodity Inspection* - CH2029 - Translated version: April 28, 2002

This is an unofficial English translation of the Law for Import and Export Commodity Inspection for the People's Republic of China. This Law provides the general framework of import and export commodity inspection. Chinese national technical standards (GB or GB/T) exist for specific commodities and often detail inspection procedures and requirements. U.S. exporters are encouraged to discuss relevant Chinese national standards with importers prior to shipment to ensure that their interpretation of the regulation is accurate.

- *Health Food Standard* - CH1049 - Translated version: February 28, 1997

This Standard provides guidelines for the manufacturing, labeling, and hygiene of the health (functional) food industry in China. The Standard provides some specific requirements for imported health (functional) foods for the Chinese domestic market. The Department of Hygiene under the State Council (also known as the Ministry

of Health) is the statutory authority responsible for this regulation.

- *Administration Regulation for Health Food* - CH1050 - Translated version: June 1, 1996.

This Regulation provides the administration regulations for the examination and approval, production, marketing, and supervision of the health (functional) food industry. Several articles address specific approvals and requirements for imported health (functional) foods. The Ministry of Health is the statutory authority responsible for monitoring this regulation.

- *Animal and Plant Entry and Exit Law* - CH1051 - Translated version: October 30, 1991

This Law establishes the general guidelines for the import, export, and transit quarantine for animals, plants and the respective method of transport. The United States and China continue to actively engage one another in bilateral phytosanitary talks and protocols. For specific quarantine problems, contact the USDA's Animal and Plant Health Inspection Service Office in Beijing at telephone: (86-10) 6505 4575 and fax: (86-10) 6505 4574. The Animal and Plant Quarantine Department of the State Council has statutory authority over this Law.

- *Administrative Measures for Exit-Entry Inspection and Quarantine of Grain and Feed Stuff* - CH2003 - Translated version: November 21, 2001

This Regulation is Ordinance Number Seven (7), the *Grain and Feed Import and Export Regulations*, issued by the State Administration for Quality Supervision, Inspection, and Quarantine of the People's Republic of China (AQSIQ). AQSIQ is the national-level supervisory authority for the China Inspection and Quarantine (CIQ) offices. AQSIQ ratified these regulations on November 21, 2001. This Ordinance shall be effective from March 1, 2002.

- *Seed Law Implementation Regulations* - CH1052 - Translated version: February 13, 2001

This set of Implementation Regulations for the Seed Law provides the five decrees from the Ministry of Agriculture; including Decree 44: Measures for the Examination and Approval of Major Crop Varieties, Decree 48: Measures for the Administration of Crop Seed Production License and Management License, Decree 49: Measures for the Labeling of Crop Seeds, Decree 50: Measures for the Processing and Packaging of Seeds, and Decree 51: Measures for the Scope of Major Crops. The Ministry of Agriculture has statutory authority over the Seed Law.

- *Fisheries Law* - CH1053 - Translated version: October 31, 2000

The scope of this Law includes improving the management of China's fishery resources, development of the aquaculture and fishing industry, and enforcement measures over China's fishing and aquaculture resources. Several articles address import and export of fry, fingerling, and the inspection of imported fishing vessels. The Administrative Department for Fisheries under the State Council has statutory authority over this law.

- *Forestry Law* - CH1054 - Translated version: April 29, 1998

The Law governs the use of land and materials in forest areas for shelter forests, timber forests, economic forests, firewood forests, and forests for special use. The Law also provides for forest management and administration, forest protection, tree planting and afforestation, and measures for sanctions. The State Forestry Administration under the State Council has statutory authority over this law.

- *Consumer Protection Law* - CH1055 - Translated version: January 1, 1994

Unofficial English language text of the Consumer Protection Law for the People's Republic of China can be found at the web site: "<http://www.qis.net/chinalaw>". The law was adopted by the National People's Congress in October 1993 and implemented January 1, 1994. The law guarantees consumers rights', details business operators' obligations and legal responsibilities, and outlines procedures for dispute resolution.

- *Agricultural Genetically Modified Organisms Safety Administration Regulation* - CH1056 - Translated version: June 6, 2001

The scope of this regulation specifies the management, production, distribution, and use of genetically modified organisms (GMOs) in agriculture. The regulation requires Safety Certification and labeling for all types of domestic or imported GMOs. Text in the regulation is vague and does not provide direction for several procedural measures. The implementation measures are in CH2002. The Agriculture Administrative Department of the State Council has statutory authority over this regulation. This department is comprised from representatives from several of China's ministries.

- *Agricultural Genetically Modified Organisms Implementation Measures* - CH2002 - Translated version: January 7, 2002

This document contains three (3) measures: 1. Measures for Ag GMOs Safety Evaluation Administration. 2. Measures for Ag GMOs Imports. 3. Measures for Ag GMO Labeling. GMO measures will be implemented mainly by the Ministry of Agriculture. All measures will be effective from March 20, 2002.

- *Imported Feed and Feed Additive Registration Regulation* - CH1057 - Translated version: August 17, 2000
- This regulation is designed to protect animal safety and strengthen supervision of imported feed and feed additives. Foreign feed and feed additive enterprises and products must be registered prior to selling products in the People's Republic of China. This regulation details the application procedure for registration. The Ministry of Agriculture has statutory authority over this regulation.

- *Fruit Entry Quarantine Regulation* - CH1058 - Translated version: December 9, 1999

This Regulation applies to imported fresh fruits and tomatoes, eggplants, and the genus Capsicum and relevant packaging. The Regulation details the quarantine application, quarantine inspection, and quarantine supervision procedures for importers of the above mentioned items. The State Administration for Entry-Exit Inspection and Quarantine (CIQ) has now merged with the State Administration for Quality Supervision, Inspection, and Quarantine (AQSIQ). Provincial level offices or port CIQ's have not completed this merger. AQSIQ and the port CIQ have statutory responsibility for this regulation.

- *Previous Catalogue for the Guidance of Industries for Foreign Investment* - CH1074 - Translated version: December 31, 1997

This Catalogue lists general industries where foreign investment is encouraged, restricted, and prohibited. This Catalogue is published by the State Planning Commission, the State Economic and Trade Commission, and the Ministry of Foreign Trade and Economic Cooperation. The scope of the material is general and many of the details have not been completed or published. A new version of the Catalogue is under discussion.

- Current *Catalogue for the Guidance of Industries for Foreign Investment* - CH2012 - Translated version: March 12, 2002

This Catalogue lists general industries where foreign investment is encouraged, restricted, and prohibited. The *Catalogue* is created as part of the *Provisions for Foreign Direct Investment*. Foreign invested projects importing the facilities (building materials or machinery) listed under the encouraged section may bring facility materials into China tariff-free and VAT-free. The seeds, plants, or animals imported for the projects are subject to normal tariff and VAT charges. The Beijing Agricultural Affairs Office has only included translated material from relevant agricultural and food or textile related sections.

VI Other Specific Standards

***** RECENT ADDITION TO THE FAIRS REPORT WORKING INDEX *****

- *"Wholesome" Food Administration Regulation* - CH2032 - Translated version: April 29, 2002

These are voluntary measures that apply to the domestic production of "Wholesome Agricultural Products." The measures provide guidelines in determining production management, certification and testing of products and production areas, "wholesome" product labeling, and monitoring management or enforcement of these administrative measures. These voluntary measures differ from "Organic" and "Green Food" (see CH 1072 and CH1059) standards. "Green Food" and "Organic" standards are considered more stringent labels than "Wholesome." The purpose for all three measures and standards is to regulate or reduce agro-chemical inputs, such as pesticides and fertilizers.

- *"Green Food" Standard* - CH1059 - Translated version: October 1997

Green Food, a term similar in meaning to Organic Food is under the scope of this standard. The Standards are published in a handbook that provides for the appropriate classification, use, and requirements for food products to be labeled "Green Food" and sold on the domestic market. The Standard specifies the environment, fertilizers, pesticides, and other chemicals and the respective dosages that can be used on foods and carry the green food label. The Ministry of Agriculture is the regulating authority for this standard.

- *Fresh and Frozen Poultry Product Standard* - CH1060 - Translated version: December 29, 2000

This standard details the technical requirements for testing, hygiene, labeling, packaging, storage and distribution requirements for fresh and frozen poultry products. The Ministry of Health has statutory responsibility for this standard.

- *Fresh and Frozen Pork Cuts Standard* - CH2018 - Translated version: July 20, 2001

This standard defines terminology for fresh and frozen pork cuts and stipulates the technical requirements for inspection methodology, inspection rules, labeling, packaging, storage and distribution.

- *Fresh and Frozen Demi-Carcass Pork Standard* - CH2019 - Translated version: July 20, 2001

This standard defines terminology for fresh and frozen demi-carcass pork and stipulates the technical requirements for grading pork and inspection methodology, inspection rules, labeling, packaging, storage and distribution.

- *Fresh and Frozen Beef Cuts Standard* - CH2020 - Translated version: March 2, 1998

This standard defines terminology for the classification of fresh and frozen beef cuts. In addition, the standard

provides the technical requirements, processing requirements, inspection methodology, inspection rules, grading requirements for beef cuts, and the labeling, packaging, storage and distribution requirements for fresh and frozen beef cuts.

- *Soft Drink Classification Standard* - CH1061 - Translated version: December 17, 1996

This standard establishes classifications for the following beverage drinks that are produced or marketed in China: carbonated drinks, fruit juices (pulp) and drinks, vegetable juice and drinks, drinks containing milk, vegetable protein drinks, bottled water, tea drinks, powdered drinks, specific drinks, and other drinks. The standard conforms to CODEX requirements. The State Bureau of Technical Supervision for the People's Republic of China has regulatory authority over this standard.

- *Quarantine Requirements for Logs* - CH1062 - Translated version: February 6, 2001

The circular announces requirements for pest-free Phyto-sanitary certification and treatment on all log imports with or without bark. The State Administration for Quality Supervision, Inspection, and Quarantine (AQSIQ) has statutory authority over the import and export of logs.

- *Guangdong Province Regulation on the Manufacture or Sale of False, Counterfeit, or Inferior Goods* - CH1063 - Translated version: September 24, 1999

This regulation provides the guidelines for products that are considered false, counterfeit, or inferior and implements measures to strengthen administration and law enforcement against illegal production, manufacturing, and trade in Guangdong Province. The regulation also provides stricter enforcement measures and penalties. Guangdong province Public Security Administration has statutory authority for enforcing this regulation.

VII Copyright and/or Trademark Laws

- *Copyright Law Implementation Regulation* - CH 1064 - Translated version: September 7, 1990

The document is an Unofficial translation and summary of China's Copyright Law Implementation Regulations. The Implementation Regulations provide procedural measures that follow China's Copyright Law. The Copyright Law can be viewed at the web site: "<http://www.qis.net/chinalaw>". In March 1992, China established bilateral copyright relations with the U.S. and in October 1992 acceded to both the Berne Convention and the Universal Copyright Convention. The Copyright Administrative Department of the State Council has statutory authority over this regulation.

- *Trademark Law Summary and Article* - CH1065 - Translated version: February 22, 1993

The following is a summary of China's Trademark Law. Information about the Trademark Law and Implementation Regulations can be found at the China Intellectual Property Net web site, "<http://www.cnipr.com>". English text of China's Trademark Laws along with other laws may be found at the following web site: "<http://www.qis.net/chinalaw>". English language versions of the law are available at China's larger bookstores.

- *Patent Law* - CH1066 - Translated version: August 8, 2000

Changes were implemented on July 1, 2001. English text of China's previous Patent Law and the texts of several other laws may be found at the web site "<http://www.qis.net/chinalaw>". China acceded to the patent cooperation treaty on January 1, 1994, and will perform international patent searches and preliminary examinations of patent applications. Under the patent law, foreign parties must utilize the services of a registered Chinese agent to submit the patent application. Preparation of the application may be done by foreign attorneys or a Chinese agent. Patent right application and approval for a foreigner must be granted by a committee of the State Council.

VIII Import Procedures

***** RECENT ADDITION TO THE FAIRS REPORT WORKING INDEX *****

- *Annual Exporter Guide* - CH2808 - Information from USDA FAS ATO Shanghai: 27 March 2002

This report provides an overview of the China market along with exporter business tips, analysis of market sector structure and trends, information on best high-value product prospects, contact information for importer assistance, and statistics on agricultural trade.

***** RECENT ADDITION TO THE FAIRS REPORT WORKING INDEX *****

- *Annual Exporter Guide* - CH2629 - Information from USDA FAS ATO Guangzhou: 19 July 2002

This report provides an overview of the China market along with analysis on the potential in south China for U.S. food and agricultural products. There is helpful information and suggestions on how to do business in China along with information on the retail, hotel, restaurant, institutional, and food processing sectors.

- *Import Procedures* - CH1067 - Information from USDA FAS ATO Shanghai: 1999

This text provides an outline of import procedures for goods into China. Along with explaining some of the requirements, the text provides further insight and recommendations regarding some aspects of Chinese business culture.

- *Interim Rules and Regulations for TRQ Administration* - CH2007 - Translated Version: 30 January 2002
The report is an UNOFFICIAL translation of China's Interim Rules and Regulations for Agricultural Imports Tariff Rate Quota (TRQ) Administration as authored by the State Development and Planning Commission (SDPC). This document also contains four appendices. The first appendix lists the authorizing agencies approved by the SDPC. The second and third appendix are Certificate A and B (application forms for two categories of trade). The final appendix is the Notice on Tariff Quota Allocation for Agricultural Products. These Rules and Regulations are effective from 5 February 2002.

- *Implementation Measures for 2002 TRQ Allocation* - CH2008 - Translated Version: 7 February 2002
The report is an UNOFFICIAL translation of China's Implementation Measures for Tariff Rate Quota. This document describes the amount, application requirements, and allocation principles for wheat, corn, rice, palm oil, soybean oil, rapeseed oil, sugar, cotton, sheep wool and wool tops agricultural products for 2002. This measure was formulated in accordance with the Interim Rules and Regulations for Agricultural Products (CH2007). The appendix to this document describes the information that is requested for on the Application Form for A Type TRQ Agricultural Commodity Imports. These measures were announced on 7 February 2002 and effective from 10 February 2002.

- *Registration Management Regulations for Foreign Manufacturers of Imported Food* - CH2016 - Translated Version: 14 March 2002

This report is an UNOFFICIAL translation of China's regulation to monitor foreign manufacturers of food products exported to China. The appendix of this report includes the *Catalog of Imported Food Subject to Enterprise Registration*. At this time, only meat and meat by-products are included in this catalog. This regulation replaces China's previous *Registration Management Regulations on Foreign Manufacturers of Imported Food* (trial version) that was issued on 30 December 1999.

IX Appendix A

***** RECENT ADDITION TO THE FAIRS REPORT WORKING INDEX *****

- *Government Regulatory Agencies Contact Information* - CH2034 - Information from: July 17, 2002

This report contains Chinese government regulatory agencies contact information. It is an index of regulatory agencies that USDA offices use for contacts in China. Contact the Agricultural Affairs Office of the US Embassy in Beijing for any further inquiries.

X Appendix B

***** RECENT ADDITION TO THE FAIRS REPORT WORKING INDEX *****

- *Import Specialist Contact Information* - CH2033 - Information from: July 17, 2002

This report contains import specialist contact information for USDA offices, USDA public and private cooperators, US State representative offices, and associations that promote US and China trade.